

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 1, 5-11, 13-15, 19-26 and 28-45 were rejected under 35 U.S.C. Section 102(e) as allegedly being “anticipated” by Reed et al. (U.S. Patent No. 5,862,325). Claims 2-4, 12, 16-18 and 27 were rejected under 35 U.S.C. Section 103(a) as allegedly being made “obvious” by a proposed combination of Reed et al. ‘325 and Reed et al. (U.S. Patent No. 6,044,205).

It is evident that Reed et al. ‘325 and Reed et al. ‘205 have nothing to do with systems and methods relating to exercise and the office action contains no assertions to the contrary. Consequently, these references cannot possibly anticipate or make obvious the claimed subject matter, all of which involves generating messages to exercisers identified by applying one or more criteria to exercise activity records.

Unable to find the features recited in the claims in the applied references, the office action alleges that “a computer is an apparatus that generates electronic messages and therefore the Examiner believes that an apparatus is generating some form of messages.” 01/21/2009 Office Action, page 16. The office action concludes that “communicating exerciser-related messages is merely an intended use of the prior art.” 01/21/2009 Office Action, page 16.

While not acquiescing in the above rejections or in the characterizations of the references made in the office action, the claims have been amended to even further distinguish over the Reed references.

For example, the system of claim 1 includes a processing system programmed to identify one or more exercisers by applying one or more criteria to exercise activity records and to generate messages relating to the identified exercisers. The Reed references do not relate to exercise activity records and it is therefore not at all surprising that they neither disclose nor suggest a processing system programmed in this manner. Method claim 15 similarly recites steps of identifying one or more exercisers by applying one or more criteria to exercise activity records and generating messages relating to the identified exercisers. Here again, the Reed references contain no disclosure or suggestion of performing such steps. The system of claim 14 includes

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means for identifying one or more exercisers by applying one or more criteria to exercise activity records and generating messages relating to the identified exercisers. There is no disclosure in Reed references of means for performing such functions. The computer program product of claim 30 comprises a computer-readable medium that stores instructions that are executable by a computer system for identifying one or more exercisers by applying one or more criteria to exercise activity records and generating messages relating to the identified exercisers. The Reed references contain no disclosure or suggestion of such a computer program product.

The various dependent claims distinguish from the Reed references because of their dependencies and because of the other patentably distinguishing features recited therein.

New dependent claims claim 48-55 patentably distinguish from the Reed references because of their respective dependencies and because of the other patentably distinguishing features recited therein.

The system of new independent claim 56 includes a communication network interface configured to receive exercise activity data communicated from exercise machines used by exercisers and a processing system programmed to update exercise activity records based on the received exercise activity data and to identify one or more exercisers by applying one or more criteria to the exercise activity records. The Reed documents disclose or suggest no such interface or processing system.

Favorable reconsideration of this application is respectfully requested.

Respectfully submitted,

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